

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-00454-GKF-jfj
)	
1) CASTLE HILL STUDIOS LLC)	REDACTED
(d/b/a CASTLE HILL GAMING);)	
2) CASTLE HILL HOLDING LLC)	
(d/b/a CASTLE HILL GAMING); and)	
3) IRONWORKS DEVELOPMENT, LLC)	
(d/b/a CASTLE HILL GAMING))	
)	
Defendants.)	

**DECLARATION OF JOSH DAVIS IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Josh Davis, hereby declare the following:

1. I am a Principal Software Engineer with Video Gaming Technologies, Inc., (“VGT”) based in Charlottesville, Virginia. I submit this declaration in support of VGT’s Opposition to Defendants’ Motion for Summary Judgment. Except where otherwise indicated, I have personal knowledge of the facts set forth in this declaration, and, if called to testify, I could and would testify competently thereto.

2. I have worked as a software engineer with VGT since 2004. When I started, I was the tenth employee at VGT’s Charlottesville office. During my 14 years at VGT, my responsibilities have included developing EGM and server software for VGT’s Class II systems, and, as a result of my work, I have become familiar with the design and functionality of VGT’s Class II systems, including [REDACTED], as well as its source code and documentation. I am also generally familiar with the types of persons or entities who have access to confidential information about the technical operation of VGT’s bingo system.

3. I received a Bachelor of Science degree, *summa cum laude*, from Old Dominion University in 2004. My major was computer science.

4. I previously submitted a declaration in connection with this litigation, dated October 10, and titled Declaration of Josh Davis in Support of Plaintiff’s Partial Motion for Summary Judgment. I incorporate the contents of that declaration into this one.

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. Attached to my previous declaration as Exhibit B was a true and correct copy of a change list I obtained from the Perforce repository. These changes were made in the ordinary course of business and are described in further detail below.

7. Exhibit B is a change list for a file called [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Exhibit H is a true and correct copy of documentation for the [REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

11. The source code implementing VGT's [REDACTED] is stored in VGT's password-protected source code repository. Persons without authorization are not able to access the source code, and VGT limits source code access to persons under confidentiality obligations.

12. VGT's document describing the algorithm is designated as "Proprietary." Ex. H, at VGT0052996. This document is not an operator manual or user manual. Rather, it is internal documentation intended only for internal use or use by testing labs. To my knowledge, VGT has not given the document to casino operators, and VGT would have no reason to do so. It is not given to third parties that are not subject to confidentiality obligations.

13. VGT requires persons, such as test labs or employees, that access its [REDACTED] to undertake confidentiality obligations. VGT has not disclosed the algorithm to persons outside the company, except for those that owe VGT confidentiality obligations.

14. Within VGT, the [REDACTED] is regarded as proprietary, confidential, and an important part of our Class II system design. It enables our Class II system

15. [REDACTED]

16. VGT has developed its [REDACTED] in, among other places, Virginia, and used it to create games that are deployed in other states, including Oklahoma.

17. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 14, 2018 in Charlottesville, VA.

Josh Davis Joshua Davis

EXHIBIT B

EXHIBIT H

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, I filed a redacted version of the foregoing via ECF, which caused service to be effected on the following counsel for Defendants:

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